

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - NW/Corner Reisterstown Road and Carlvon Road (10540 Reisterstown Road) 4th Election District 3rd Councilmanic District	* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 96-146-SPHXA *
Exxon Corporation Petitioner	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 10540 Reisterstown Road, located in the vicinity of Owings Mills Boulevard in Owings Mills. The Petitions were filed by the owner of the property, Exxon Corporation, by Michael J. Specht, Agent/Attorney in Fact, through G. Scott Barhight, Esquire and David K. Gildea, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan in Case No. 3590-RX to reflect the proposed improvements, pursuant to the special exception and variance relief sought. More specifically, the Petitioner seeks a special exception for a convenience store use-in-combination with the existing fuel service station and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 405.4.A.3.d to permit five (5) parking spaces in lieu of the required 15; from Section 405.4.A.1 to permit a total site area of 14,908.37 sq.ft. in lieu of the minimum required 24,092.68 sq.ft.; from Section 413.2(f) to permit a double-sided sign of 132.52 sq.ft. in lieu of the maximum permitted 100 sq.ft.; from Section 405.4.A.2.a to permit a building setback of 9 feet from Carlvon Road in lieu of the required 35 feet; from Section 405.4.A.2.b to permit a landscape transition area in the rear yard of 1 foot in lieu of the required 6 feet; and, from Section

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Date

By

1/22/96
[Signature]

409.4.C to permit aisle widths of 17 feet, 12 feet, 7.8 feet, and 7.5 feet in lieu of the minimum required 22 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Jennifer Colvard, a representative of Exxon Corporation, Ken Ayre, Proprietor of the subject site, Tim Whittie, Professional Engineer with Frederick Ward Associates, who prepared the site plan for this project, and David K. Gildea, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a net area of 14,908.37 sq.ft. (0.341 acres), zoned B.L.-A.S., and is improved with a gasoline service station. The Petitioner is desirous of converting the service garage portion of the building to a convenience store. Testimony indicated that Exxon is in the process of converting many of its gasoline service stations from those which offer automotive service repairs to those which offer fuel and miscellaneous items found in convenience stores. This is but another site where Exxon proposes to make such a conversion and to improve the appearance of the existing facility. Photographs of the site, which were submitted into evidence as Petitioner's Exhibit 2, show that the subject property is well-maintained and attractive in its appearance. In fact, Mr. Ayre testified that he has won awards from Exxon as being one of its 50 best gasoline service stations. Mr. Ayre looks forward to the proposed improvements to the site and its conversion to a convenience store use. In order to proceed with the proposed improvements, the requested relief is necessary. Testimony revealed that Exxon

will utilize the existing building on the property and no new structures are proposed.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below. The Petition for Special Hearing should also be granted to reflect the proposed modifications to the site

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Date

By

plan and change in use of the property from a gasoline service station to a convenience store use in combination with fuel sales.

As for the variance relief sought, Section 307.1 of the B.C.Z.R. has established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

1/22/96
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227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the relief requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.


Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of January, 1996 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 3590-RX to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a convenience store use-in-combination with the existing fuel service station on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 405.4.A.3.d to permit 5 parking spaces in lieu of the required 15; from Section 405.4.A.1 to permit a total site area of 14,908.37 sq.ft. in lieu of the minimum required 24,092.68 sq.ft.; from Section 413.2(f) to permit a double-sided sign of 132.52 sq.ft. in lieu of the maximum permitted 100 sq.ft.; from Section 405.4.A.2.a to permit a building setback of 9 feet from Carlvon Road in lieu of the required 35 feet; from Section 405.4.A.2.b to permit a rear yard landscape transition area of 1 foot in lieu of the required 6 feet; and, from Section 409.4.C to permit aisle widths of 17 feet, 12 feet, 7.8 feet, and 7.5 feet in lieu of the minimum required 22 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 22, 1996

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NW/Corner Reisterstown Road and Carlvon Road
(10540 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-146-SPHXA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Jennifer Colvard, Exxon Company, USA
6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

Mr. Ken Ayre, Tollgate Auto Services
10540 Reisterstown Road, Owings Mills, Md. 21117

People's Counsel

Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10540 Reisterstown Rd., Owings Mills, MD 21117

96-146-SPHXA

which is presently zoned

BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendments to previously approved plan in Case No. 3590RX (Order dated 7/8/55).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

David K. Gildea

Signature

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

Phone No.

Towson, MD 21204 (410)832-2000

City

State

Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fac

(Type or Print Name)

Signature

6301 Ivy Lane (301)513-7511

Address

Phone No.

Suite 700

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JSA DATE 10-4-95

#147

ORDER RECEIVED FOR FILING

Date

By



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10540 Reisterstown Rd., Owings Mills, MD 21117

96-146-SPHXA

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Convenience store use-in-combination with existing fuel service station.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address 4th Floor Phone No.

Towson, MD 21204 (410) 832-2000

City

State

Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, 4th Fl.

Address Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: SJA

DATE

10-4-95

#147

ORDER RECEIVED FOR FILING

Date

BY

microfilm





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

10540 Reisterstown Rd., Owings Mills, MD 21117

96-146-SPHXA

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address

Phone No.

Towson, MD 21204 (410)832-2000

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

G. Scott Barhight

David K. Gildea

Name

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, 4th Fl.

Address

Towson, MD 21204 (410)832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: SNA

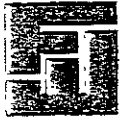
DATE 10-4-95

147

ORDER RECEIVED FOR FILING

Date

By



Frederick Ward Associates, Inc.

ENGINEERS · ARCHITECTS · SURVEYORS

September 18, 1995

ZONING DESCRIPTION
10540 Reisterstown Road
Fourth Election District
Baltimore County, Maryland

96-146-SPHXA

BEGINNING for the same at a point on the westerly right-of-way line of Reisterstown Road, a 66 foot wide right-of-way heretofore laid out at the northwesterly side of a thirty foot wide right-of-way conveyed by Carl Von Gunten to the Consolidated Gas Electric Light and Power Company of Baltimore by a deed dated July 28, 1954 and recorded in Liber GLB 2525, folio 389. Thence binding on the westerly right-of-way line of Reisterstown Road and on the outlines of that tract or parcel of Land conveyed by Tollgate Shopping Center, Inc. to William F. Chew by a deed dated September 16, 1957 and recorded among the land records of Baltimore County in Liber GLB 3234, folio 315, as now surveyed.

1) North 43°29'39" West 131.46 feet. Thence leaving Reisterstown Road

2) South 28°56'35" West 75.79 feet to an X-cut heretofore set

3) South 46°24'35" West 39.97 feet to an iron pin heretofore set

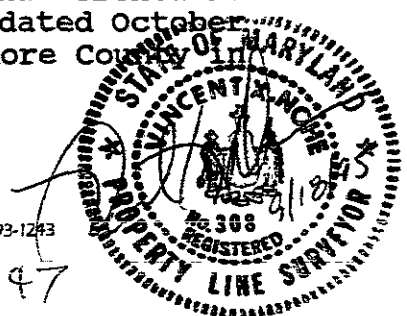
4) South 43°29'39" East 143.30 feet to an iron pipe heretofore set on the aforesaid thirty foot wide right-of-way granted to Consolidated Gas Electric Light and Power Company of Baltimore. Thence binding thereon

5) North 29°17'22" East 117.49 feet to the point of beginning hereof

CONTAINING 14963 Square Feet (0.3435 Acres) of land none or less

BEING all of that tract or parcel of land conveyed by Tollgate Shopping Center, Inc. to William F. Chew, and Dorothea H. Chew, his wife by a deed dated September 16, 1957 and recorded among the land records of Baltimore County in Liber GLB 3234, folio 315.

ALSO BEING all of that tract or parcel of land described in a Memorandum of Lease by and between William F. Chew and Dorothea H. Chew and Exxon Corporation, a New Jersey Corporation dated October 6, 1981 and recorded among the land records of Baltimore County in Liber EHK, Jr 6383, folio 841.



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chase-Peake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #98-146-SPHX (Item 147)

10540 Reisterstown Road
NWC Reisterstown Road and
Carlyon Road
4th Election District
3rd Councilmanic
Legal Owner(s):
Exxon Corporation

Hearing: Tuesday, November 14, 1995 at 2:00 p.m. in Rm. 106, County Office Building.

Special Hearing: to approve amendments to previously approved plan in case #3590-RX. **Special Exception:** for convenience store use-in-combination with existing fuel service station. **Variance:** to permit 5 parking spaces in lieu of the required 15 spaces; to permit a 14,908.37 sq. ft. site area in lieu of the 24,092.68 sq. ft. requirement; to permit a 132.52 sq. ft. double-sided sign in lieu of the required 100 sq. ft. double-sided sign; to permit a 9 ft. building setback on Carlyon Road in lieu of the required 35 ft. building setback; to permit a 1 ft. landscape transition area in the rear yard in lieu of the required 6 ft. landscape transition area; and to permit a 17 ft., 12 ft., 7.8 ft., and 7.5 ft. aisle widths in lieu of the 22 ft. minimum required aisle width.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 867-3353.
(2) or information concerning the File and/or Hearing, Please Call 867-3381.

10233 Oct. 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,

A. H. Henkleman
LEGAL AD. - TOWSON

Published Herein



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 147 Petitioner: Exxon Corp.

Location: 10540 Reisterstown Rd. Owings Mill, Md 21117

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David V. Giller

ADDRESS: Whiteford, Taylor & Puckett

700 W. Penn. Ave. Towson, Md. 21204

PHONE NUMBER: (410) 832-2000



TO: PUTOKENT PUBLISHING COMPANY

October 19, 1995 Issue - Jeffersonian

Please forward billing to:

G. Scott Barnight, Esq.
210 W. Pennsylvania Avenue
Towson MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-146-SPHYA (Item 147)
10540 Reisterstown Road
NWC Reisterstown Road and Carlvon Road
4th Election District - 3rd Councilmanic
Legal Owner: Exxon Corporation

Special Hearing to approve amendments to previously approved plan in case #3590-RX.
Special Exception for convenience store use-in-combination with existing fuel service station.
Variance to permit 5 parking spaces in lieu of the required 15 spaces; to permit a 14,908.37 sq. ft. site area in lieu of the 24,092.68 sq. ft. requirement; to permit a 132.52 sq. ft. double-sided sign in lieu of the required 100 sq. ft. double-sided sign; to permit a 9 ft. building setback on Carlvon Road in lieu of the required 35 ft. building setback; to permit a 1 ft. landscape transition area in the rear yard in lieu of the required 6 ft. landscape transition area; and to permit a 17 ft., 12 ft., 7.8 ft., and 7.5 ft. aisle widths in lieu of the 22 ft. minimum required aisle width.

HEARING: TUESDAY, NOVEMBER 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-146-SPHXA (Item 147)
10540 Reisterstown Road
NWC Reisterstown Road and Carlvon Road
4th Election District - 3rd Councilmanic
Legal Owner: Exxon Corporation

Special Hearing to approve amendments to previously approved plan in case #3590-RX.
Special Exception for convenience store use-in-combination with existing fuel service station.
Variance to permit 5 parking spaces in lieu of the required 15 spaces; to permit a 14,908.37 sq. ft. site area in lieu of the 24,092.68 sq. ft. requirement; to permit a 132.52 sq. ft. double-sided sign in lieu of the required 100 sq. ft. double-sided sign; to permit a 9 ft. building setback on Carlvon Road in lieu of the required 35 ft. building setback; to permit a 1 ft. landscape transition area in the rear yard in lieu of the required 6 ft. landscape transition area; and to permit a 17 ft., 12 ft., 7.8 ft., and 7.5 ft. aisle widths in lieu of the 22 ft. minimum required aisle width.

HEARING: TUESDAY, NOVEMBER 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Exxon Corporation
G. Scott Barhight/David K. Gildea

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 9, 1995

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 147
Case No.: 96-146-SPHXA
Petitioner: Exxon Corp.

Dear Mr. Gildea:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

DISCLOSED 11/10/95



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 20, 1995
 Zoning Administration and Development Management

FROM: Robert W. Bowling, ^{RWB/DWK} P.E., Chief
 Development Plans Review

RE: Zoning Advisory Committee Meeting
 for October 23, 1995
 Item 147

The Development Plans Review Division has reviewed the subject zoning item. See correspondence in the "Northwest Animal Hospital and Retail" file, dated May 31, 1991, indicating Carlvon Road is an existing private road.

This office supports the request to variance the 6-foot landscape transition area to 1 foot. The details of the submitted planting plan will be reviewed in detail at the final landscape plan stage.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/18/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 145, 147, 148, 149,
150 and 151. 5

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-17-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 147 (TRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD ~~146~~ 140 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 10/26/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Oct. 16, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: Rev. #129

Rev. 95-301

145

147 ✓

148

150

151

4

LS:sp

LETTY2/DEPRM/TXTS8P

10/26/95

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: November 14, 1995

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 147

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gayle Lewis

PK/JL

PETITION PROBLEMS

#147 — JRA

1. Only 2 attachments submitted with variance petition, but 3 petitions submitted.
2. Need power of attorney for person signing for legal owner.

#148 — JCM

1. No acreage listed on folder.

#149 — JLL

1. No review information on bottom of petition form.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David K. Gable

Whiteford, Taylor & Preston

210 W. Penn. Ave.

Towson, MD 21204

JENNIFER COLVARD

EXXON CO., USA

6301 IVY LANE, SUITE 700

GREENBELT, MD 20770

Kew Ayre

Tollgate Auto Services

10540 Reisterstown Rd

Owings Mills, MD 21117

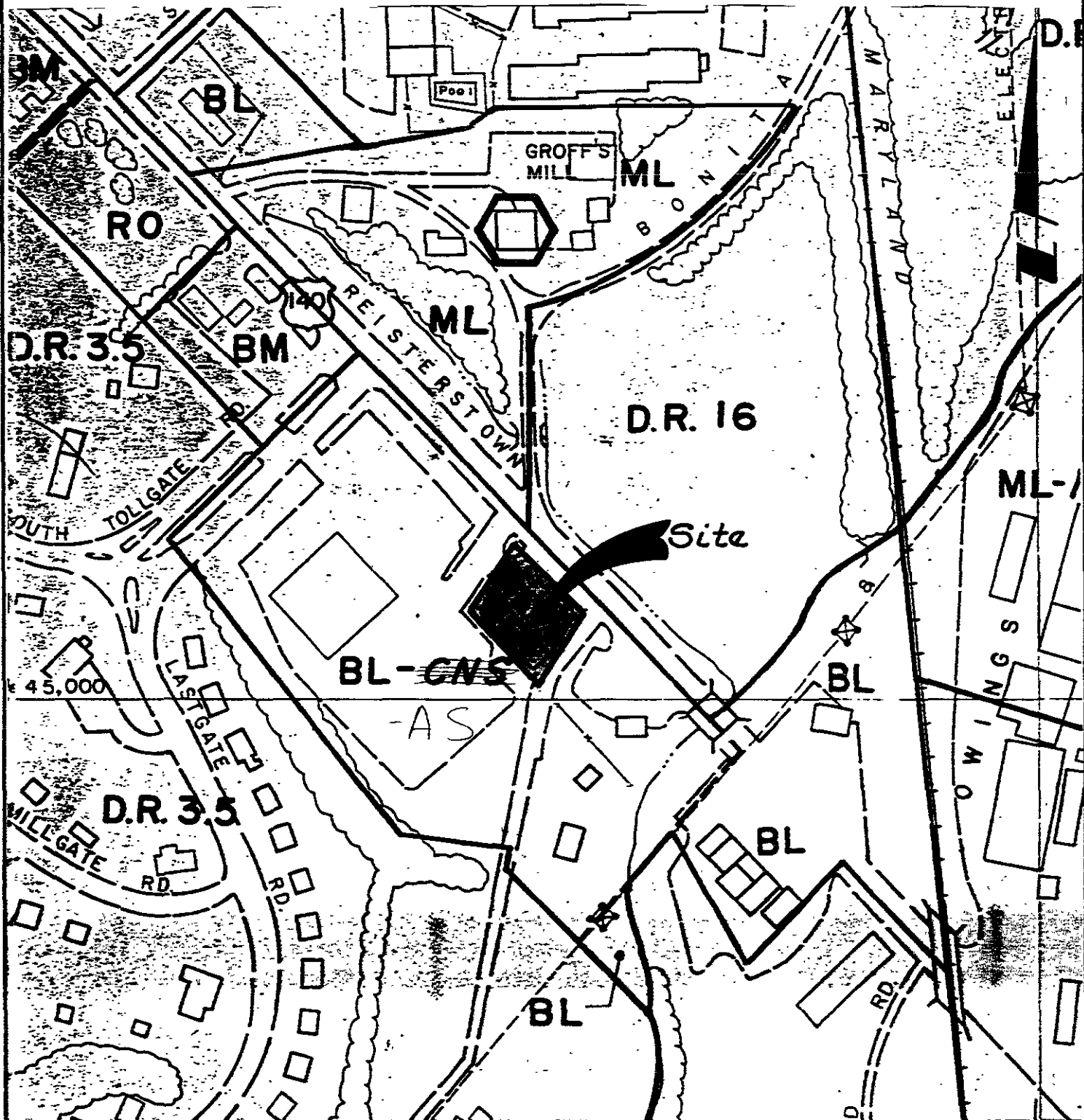
Tim Whittier

FREDERICK WARD Assoc.

5 South Main St

Bel Air, MD 21014





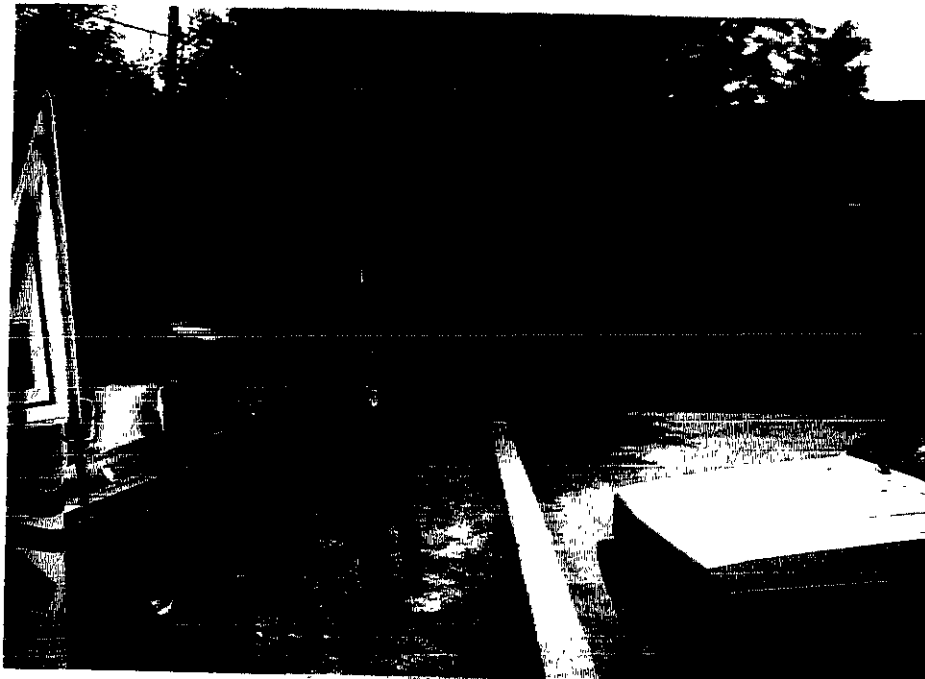
96-146-SP+XA

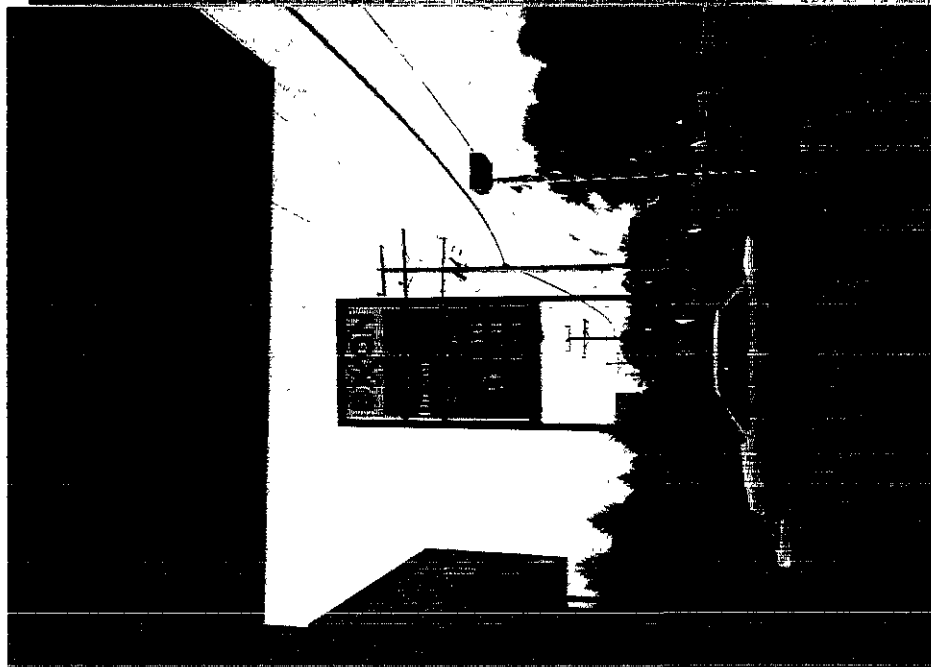
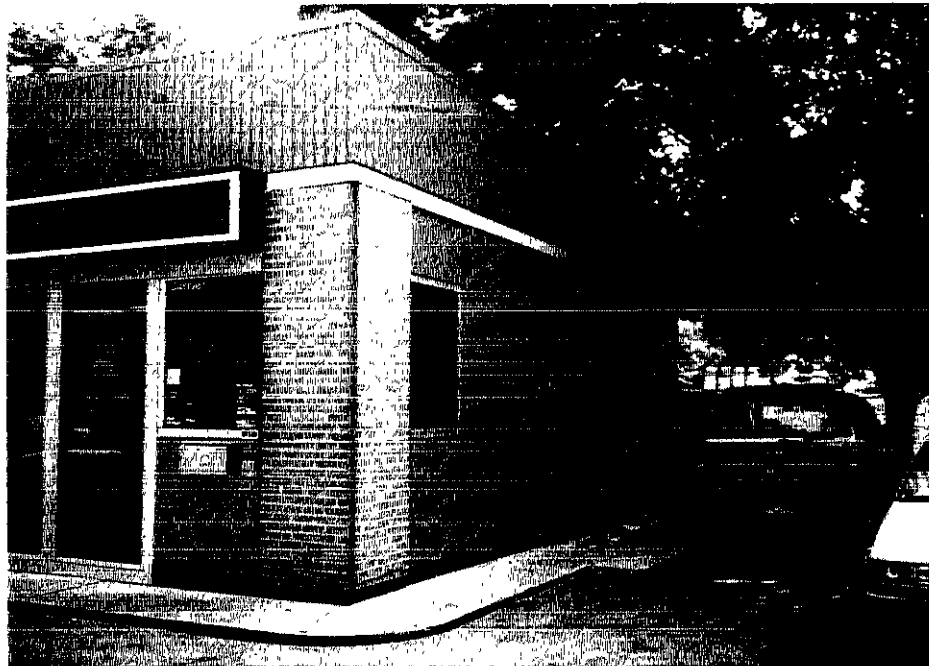
SCALE 1"= 200'	DATE 9-8-95	FREDERICK WARD ASSOCIATES, INC.	EXXON COMPANY, U.S.A.
DR. BY E.C.B.	CH. BY M.O.	 ENGINEERS-ARCHITECTS-SURVEYORS 5 SOUTH MAIN STREET BEL AIR, MARYLAND 21014-0727 (410)838-7900 (410)879-2090	ZONING MAP
PLAT NO.	JOB NO. 95086		10540 REISTERSTOWN ROAD OWINGS MILLS, MARYLAND 21117

Petitioner's
Exhibit 2

Case 96-146-SPKKA









IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * DEPUTY ZONING COMMISSIONER
NW/Corner Reisterstown Road
and Carlvon Road * OF BALTIMORE COUNTY
(10540 Reisterstown Road)
4th Election District * Case No. 96-146-SPHXA
3rd Councilmanic District
Exxon Corporation
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 10540 Reisterstown Road, located in the vicinity of Owings Mills Boulevard in Owings Mills. The Petitions were filed by the owner of the property, Exxon Corporation, by Michael J. Specht, Agent/Attorney in Fact, through G. Scott Barhight, Esquire and David K. Gildea, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan in Case No. 3590-RX to reflect the proposed improvements, pursuant to the special exception and variance relief sought. More specifically, the Petitioner seeks a special exception for a convenience store use-in-combination with the existing fuel service station and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 405.4.A.3.d to permit five (5) parking spaces in lieu of the required 15; from Section 405.4.A.1 to permit a total site area of 14,908.37 sq.ft. in lieu of the minimum required 24,092.68 sq.ft.; from Section 413.2(f) to permit a double-sided sign of 132.52 sq.ft. in lieu of the maximum permitted 100 sq.ft.; from Section 405.4.A.2.a to permit a building setback of 9 feet from Carlvon Road in lieu of the required 35 feet; from Section 405.4.A.2.b to permit a landscape transition area in the rear yard of 1 foot in lieu of the required 6 feet; and, from Section

409.4.C to permit aisle widths of 17 feet, 12 feet, 7.8 feet, and 7.5 feet in lieu of the minimum required 22 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Jennifer Colvard, a representative of Exxon Corporation, Ken Ayre, Proprietor of the subject site, Tim Whittle, Professional Engineer with Frederick Ward Associates, who prepared the site plan for this project, and David K. Gildea, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a net area of 14,908.37 sq.ft. (0.341 acres), zoned B.L.-A.S., and is improved with a gasoline service station. The Petitioner is desirous of converting the service garage portion of the building to a convenience store. Testimony indicated that Exxon is in the process of converting many of its gasoline service stations from those which offer automotive service repairs to those which offer fuel and miscellaneous items found in convenience stores. This is but another site where Exxon proposes to make such a conversion and to improve the appearance of the existing facility. Photographs of the site, which were submitted into evidence as Petitioner's Exhibit 2, show that the subject property is well-maintained and attractive in its appearance. In fact, Mr. Ayre testified that he has won awards from Exxon as being one of its 50 best gasoline service stations. Mr. Ayre looks forward to the proposed improvements to the site and its conversion to a convenience store use. In order to proceed with the proposed improvements, the requested relief is necessary. Testimony revealed that Exxon

will utilize the existing building on the property and no new structures are proposed.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.P.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below. The Petition for Special Hearing should also be granted to reflect the proposed modifications to the site

plan and change in use of the property from a gasoline service station to a convenience store use in combination with fuel sales.

As for the variance relief sought, Section 307.1 of the B.C.Z.R. has established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

ORDER RECEIVED FOR FILING
Date 1/22/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/22/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/22/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/22/96
By [Signature]

227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the relief requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of January, 1996 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 3590-RX to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a convenience store use-in-combination with the existing fuel service station on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 405.4.A.3.d to permit 5 parking spaces in lieu of the required 15; from Section 405.4.A.1 to permit a total site area of 14,908.37 sq.ft. in lieu of the minimum required 24,092.68 sq.ft.; from Section 413.2(f) to permit a double-sided sign of 132.52 sq.ft. in lieu of the maximum permitted 100 sq.ft.; from Section 405.4.A.2.a to permit a building setback of 9 feet from Carlvon Road in lieu of the required 35 feet; from Section 405.4.A.2.b to permit a rear yard landscape transition area of 1 foot in lieu of the required 6 feet; and, from Section 409.4.C to permit aisle widths of 17 feet, 12 feet, 7.8 feet, and 7.5 feet in lieu of the minimum required 22 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/22/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/22/96
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 22, 1996

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NW/Corner Reisterstown Road and Carlvon Road
(10540 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-146-SPHXA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Jennifer Colvard, Exxon Company, USA
6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

Mr. Ken Ayre, Tollgate Auto Services
10540 Reisterstown Road, Owings Mills, Md. 21117

People's Counsel
Case File

ORDER RECEIVED FOR FILING
Date 1/22/96
By [Signature]

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10540 Reisterstown Rd., Owings Mills, MD 21117

96-146-SPHXA which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendments to previously approved plan in Case No. 3590RX (Order dated 7/8/95).

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Exxon Corporation

(Type or Print Name)

Signature: Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Address: 6301 Ivy Lane (301) 513-7511

City: State: Zipcode:

Attorney for Petitioner: G. Scott Barhight

(Type or Print Name)

Signature: David K. Gildes

(Type or Print Name)

Address: Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Towson, MD 21204 (410) 832-2000

City: State: Zipcode:

ESTIMATED LENGTH OF HEARING: Unavailable for Hearing

ALL OTHER: 10-4-95

REVIEWED BY: SJA DATE: 10-4-95

#147

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10540 Reisterstown Rd., Owings Mills, MD 21117

96-146-SPHXA which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Convenience store use-in-combination with existing fuel service station.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Exxon Corporation

(Type or Print Name)

Signature: Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Address: 6301 Ivy Lane (301) 513-7511

City: State: Zipcode:

Attorney for Petitioner: G. Scott Barhight

(Type or Print Name)

Signature: David K. Gildes

(Type or Print Name)

Address: Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Towson, MD 21204 (410) 832-2000

City: State: Zipcode:

ESTIMATED LENGTH OF HEARING: Unavailable for Hearing

ALL OTHER: 10-4-95

REVIEWED BY: SJA DATE: 10-4-95

#147

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10540 Reisterstown Rd., Owings Mills, MD 21117

96-146-SPHXA which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Exxon Corporation

(Type or Print Name)

Signature: Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Address: 6301 Ivy Lane (301) 513-7511

City: State: Zipcode:

Attorney for Petitioner: G. Scott Barhight

(Type or Print Name)

Signature: David K. Gildes

(Type or Print Name)

Address: Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Towson, MD 21204 (410) 832-2000

City: State: Zipcode:

ESTIMATED LENGTH OF HEARING: Unavailable for Hearing

ALL OTHER: 10-4-95

REVIEWED BY: SJA DATE: 10-4-95

#147

Frederick Ward Associates, Inc.

ENGINEERS ARCHITECTS SURVEYORS

September 18, 1995

ZONING DESCRIPTION 96-146-SPHXA
10540 Reisterstown Road
Fourth Election District
Baltimore County, Maryland

BEGINNING for the same at a point on the westerly right-of-way line of Reisterstown Road, a 66 foot wide right-of-way heretofore laid out at the northwesterly side of a thirty foot wide right-of-way conveyed by Carl Von Gunten to the Consolidated Gas Electric Light and Power Company of Baltimore by a deed dated July 28, 1954 and recorded in Liber GLB 2525, folio 389. Thence binding on the westerly right-of-way line of Reisterstown Road and on the outlines of that tract or parcel of Land conveyed by Tollgate Shopping Center, Inc. to William F. Chew by a deed dated September 16, 1957 and recorded among the land records of Baltimore County in Liber GLB 3234, folio 315, as now surveyed.

- 1) North 43°29'39" West 131.46 feet. Thence leaving Reisterstown Road
- 2) South 28°56'35" West 75.79 feet to an X-cut heretofore set
- 3) South 46°24'35" West 39.97 feet to an iron pin heretofore set
- 4) South 43°29'39" East 143.30 feet to an iron pipe heretofore set on the aforesaid thirty foot wide right-of-way granted to Consolidated Gas Electric Light and Power Company of Baltimore. Thence binding thereon
- 5) North 29°17'22" East 117.49 feet to the point of beginning hereof

CONTAINING 14963 Square Feet (0.3435 Acres) of land none or less

BEING all of that tract or parcel of land conveyed by Tollgate Shopping Center, Inc. to William F. Chew, and Dorothea H. Chew, his wife by a deed dated September 16, 1957 and recorded among the land records of Baltimore County in Liber GLB 3234, folio 315.

ALSO BEING all of that tract or parcel of land described in a Memorandum of Lease by and between William F. Chew and Dorothea H. Chew and Exxon Corporation, a New Jersey Corporation dated October 6, 1981 and recorded among the land records of Baltimore County in Liber EHK, Jr 6383, folio 841.

5 South Main Street - P.O. Box 727 - Bel Air, Maryland 21034 - (410) 838-7000 / 879-2090 - Fax (410) 893-1253

#147

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case No. 96-146-SPHXA (Item 147)
10540 Reisterstown Road
4th Election District - 3rd Councilmanic
Legal Owner: Exxon Corporation

Special Hearing to approve amendments to previously approved plan in case #3590-RX.
Special Exception for convenience store use-in-combination with existing fuel service station.
Variance to permit 5 parking spaces in lieu of the required 15 spaces; to permit a 14,908.37 sq. ft. site area in lieu of the required 24,092.68 sq. ft. requirement; to permit a 132.52 sq. ft. double-sided sign in lieu of the required 100 sq. ft. double-sided sign; to permit a 9 ft. building setback on Carlow Road in lieu of the required 35 ft. building setback; to permit a 1 ft. landscape transition area in the rear yard in lieu of the required 6 ft. landscape transition area; and to permit a 17 ft., 12 ft., 7.8 ft., and 7.5 ft. side widths in lieu of the 22 ft. minimum required side width.

HEARING: TUESDAY, NOVEMBER 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

CO: Exxon Corporation
G. Scott Barhight/David K. Gildes

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3393.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County

Department of Permits and Development Management

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. 147 Petitioner: Exxon Corp.

Location: 10540 Reisterstown Rd., Owings Mills, MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David K. Gildes

ADDRESS: Whiteford, Taylor & Preston

210 W. Penn. Ave. Towson, MD 21204

PHONE NUMBER: (410) 832-2000

147

TO: PUTNEM PUBLISHING COMPANY
October 19, 1995 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight, Esq.
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 96-146-SPHXA (Item 147)

10540 Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner: Exxon Corporation

Special Hearing to approve amendments to previously approved plan in case #3590-RX.

Special Exception for convenience store use-in-combination with existing fuel service station.

Variance to permit 5 parking spaces in lieu of the required 15 spaces; to permit a 14,908.37 sq. ft. site area in lieu of the required 24,092.68 sq. ft. requirement; to permit a 132.52 sq. ft. double-sided sign in lieu of the required 100 sq. ft. double-sided sign; to permit a 9 ft. building setback on Carlow Road in lieu of the required 35 ft. building setback; to permit a 1 ft. landscape transition area in the rear yard in lieu of the required 6 ft. landscape transition area; and to permit a 17 ft., 12 ft., 7.8 ft., and 7.5 ft. side widths in lieu of the 22 ft. minimum required side width.

HEARING: TUESDAY, NOVEMBER 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3393.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County

Department of Permits and Development Management

October 12, 1995

NOTICE OF HEARING

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HEARING: TUESDAY, NOVEMBER 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

CO: Exxon Corporation
G. Scott Barhight/David K. Gildes

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3393.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Printed with Soy-based Ink on Recycled Paper

147



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 9, 1995

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 147
Case No.: 96-146-SPHX
Petitioner: Exxon Corp.

Dear Mr. Gildea:

The Zoning Advisory Committee (ZAC), which consists of representa-
tives from Baltimore County approval agencies, has reviewed the plans
submitted with the above referenced petition, which was accepted for
processing by Permits and Development Management (PDM), Zoning Review, on
October 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or
request information on your petition are attached. These comments are not
intended to indicate the appropriateness of the zoning action requested,
but to assure that all parties (zoning commissioner, attorney, petitioner,
etc.) are made aware of plans or problems with regard to the proposed
improvements that may have a bearing on this case. Only those comments
that are informative will be forwarded to you; those that are not
informative will be placed in the permanent case file.

If you need further information or have any questions regarding these
comments, please do not hesitate to contact the commenting agency or Joyce
Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Oct. 20, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for October 23, 1995
Item 147

The Development Plans Review Division has reviewed
the subject zoning item. See correspondence in the
"Northwest Animal Hospital and Retail" file, dated May 31,
1991, indicating Carlvon Road is an existing private road.

This office supports the request to variance the 6-foot
landscape transition area to 1 foot. The details of the
submitted planting plan will be reviewed in detail at the
final landscape plan stage.

RWB:ew

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/18/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 18, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 145, 147, 148, 149,
150 and 151. S

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-17-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 147 (JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to
approval, as a field inspection reveals the existing entrance(s) onto MD#6 140
are acceptable to the State Highway Administration (SHA) and this development is not
affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank
you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: Rev. 10, 1995

DATE: 10/20/95

The Department of Environmental Protection & Resource Management has no
comments for the following Zoning Advisory Committee Items:

Item #'s: Rev. #129
Rev. 95-301
145
147
148
150
151

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 147

If there should be any further questions or if this office can provide additional
information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Gayle Kerns*

PK/JL

ITEM147/PZONE/ZAC1

PETITION PROBLEMS

#147 — JRA

- Only 2 attachments submitted with variance petition, but 3 petitions
submitted.
- Need power of attorney for person signing for legal owner.

#148 — JCM

- No acreage listed on folder.

#149 — JLL

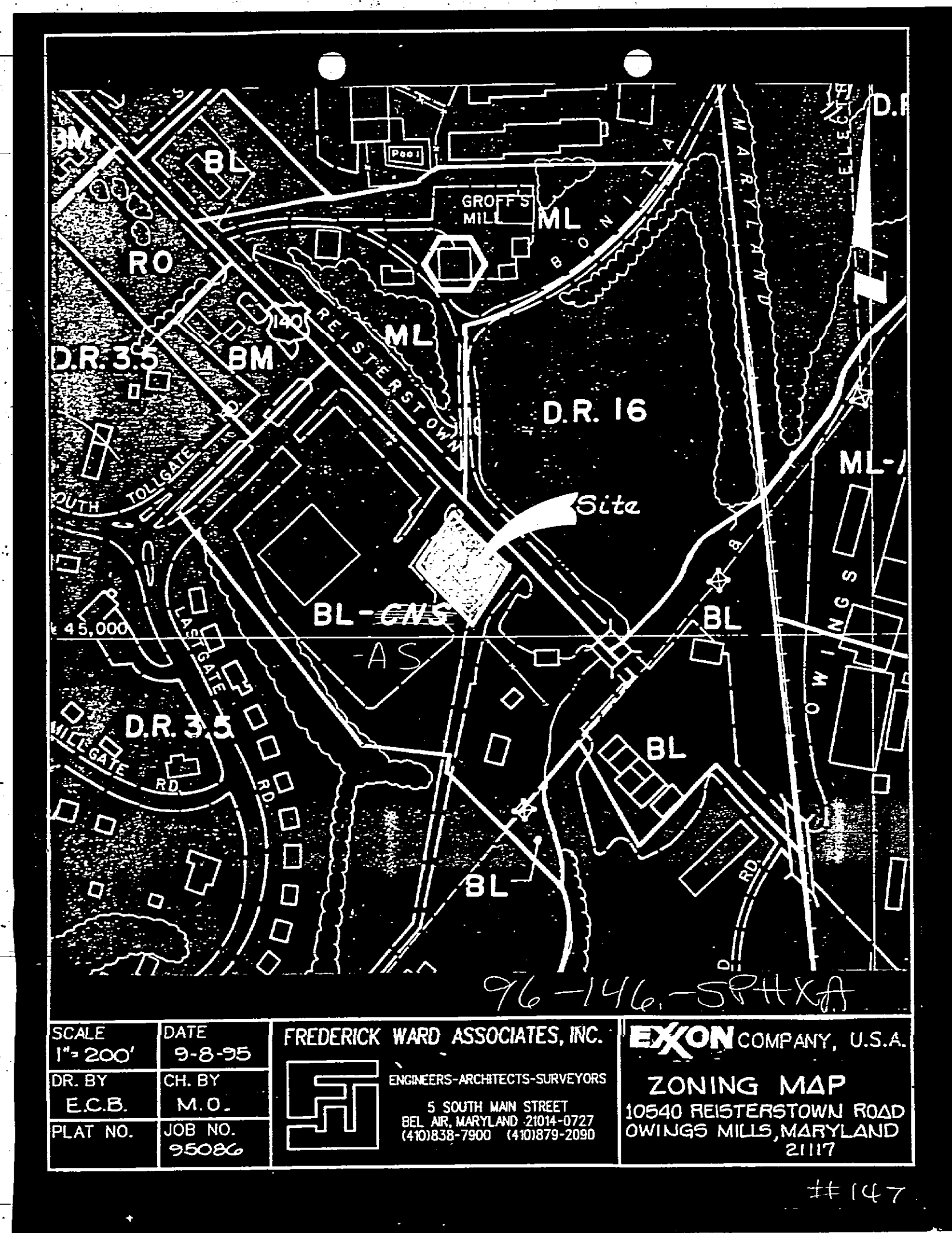
- No review information on bottom of petition form.

PLEASE PRINT CLEARLY

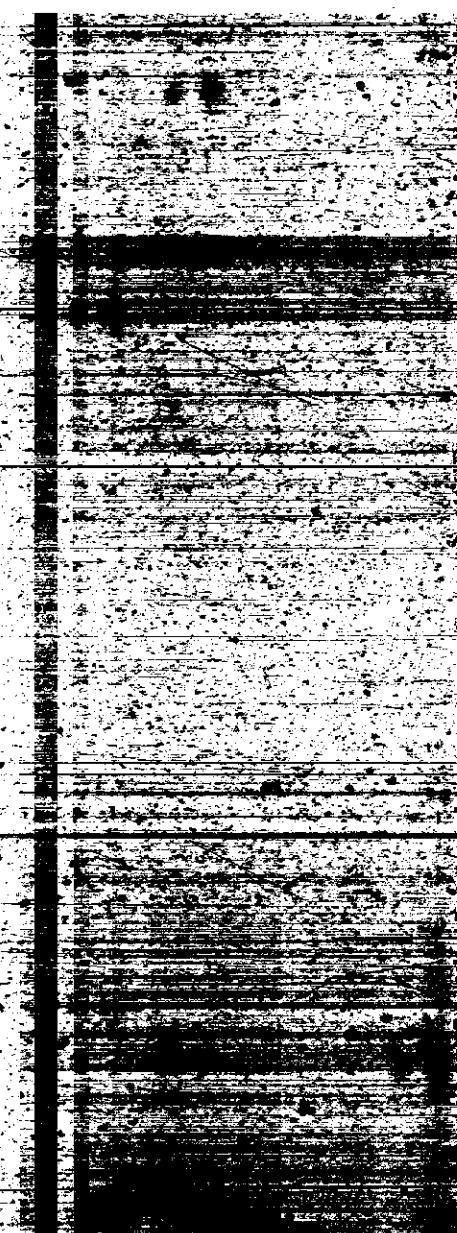
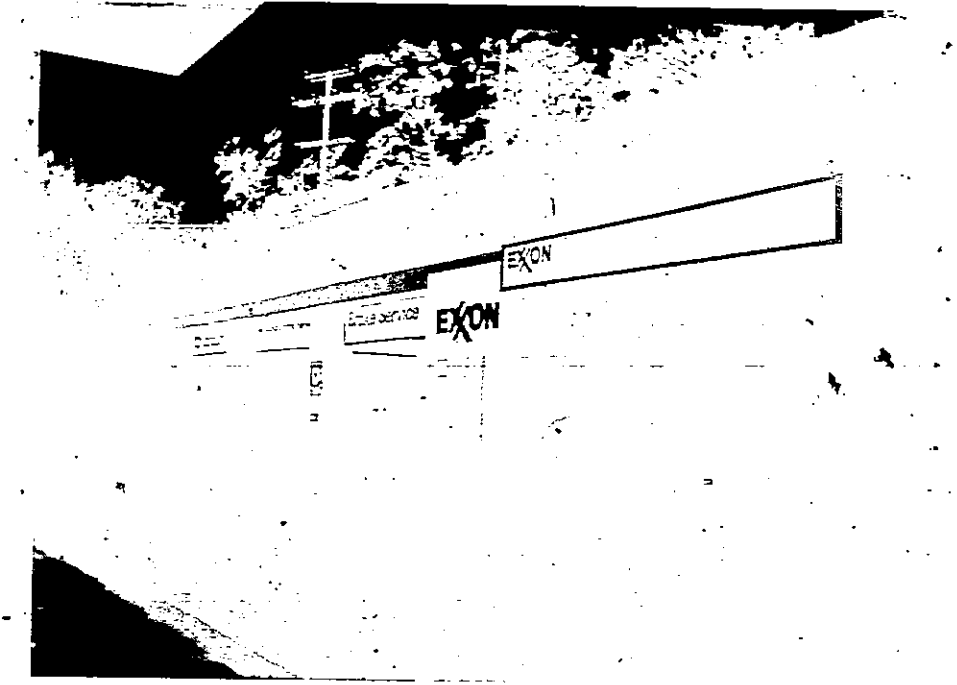
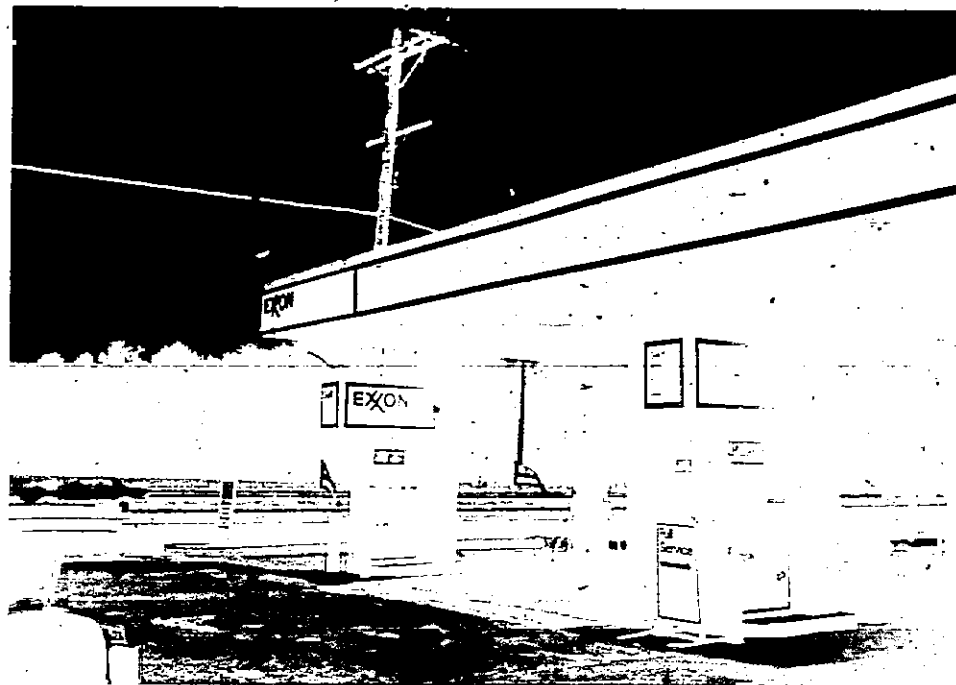
PETITIONER(S) SIGN-IN SHEET

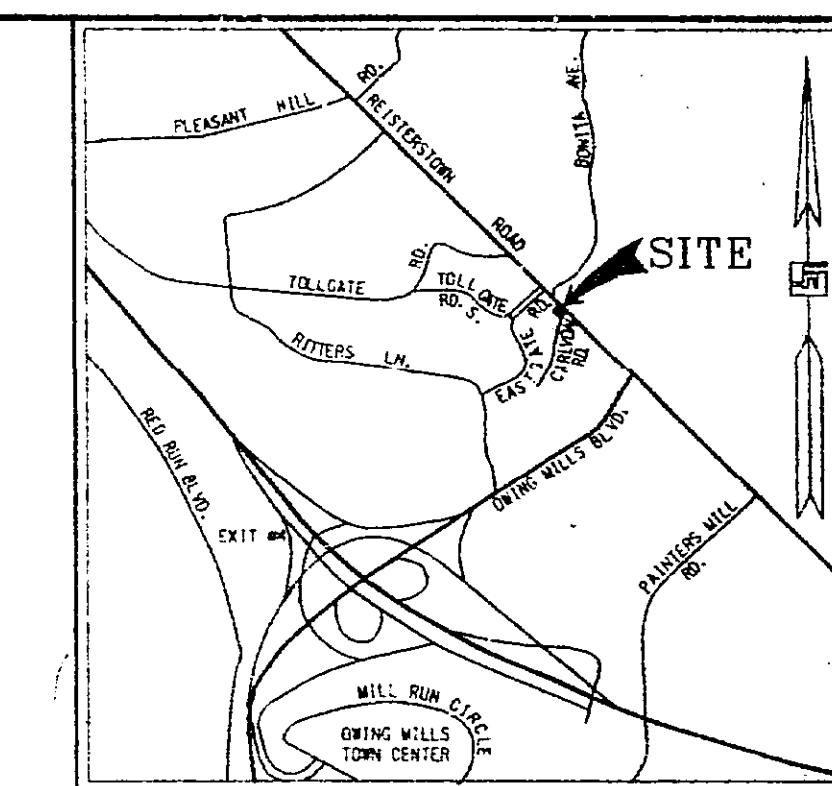
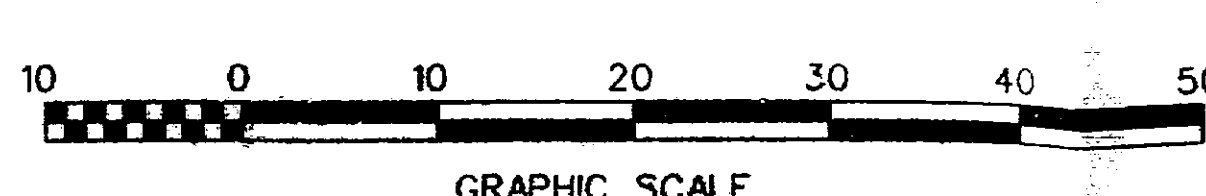
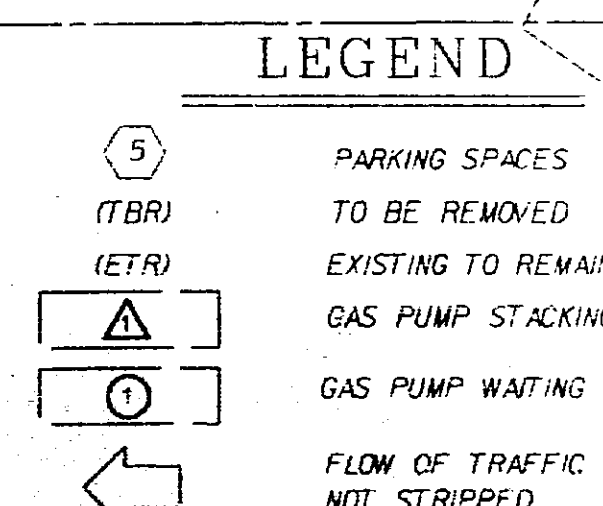
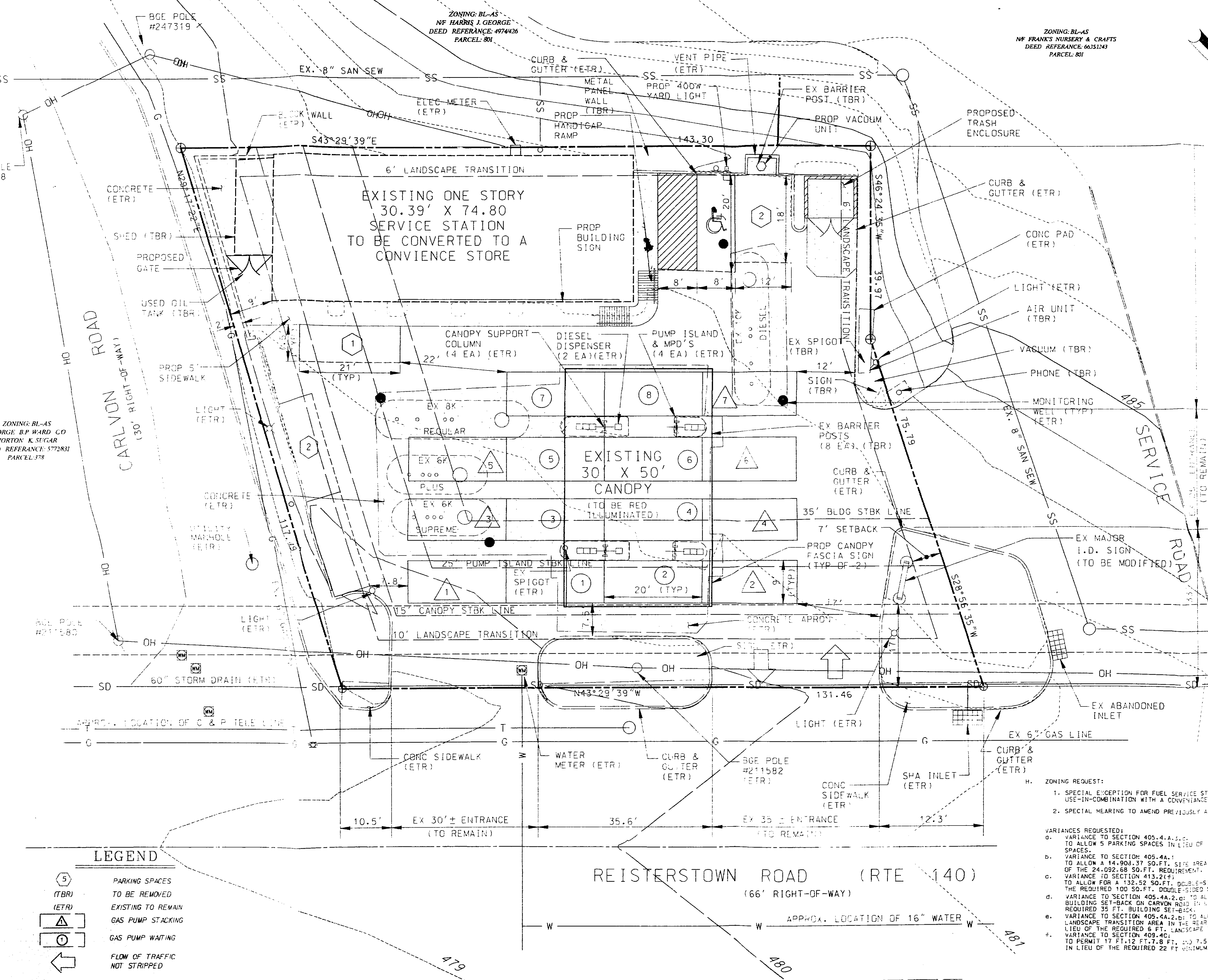
NAME	ADDRESS
<i>David K. Gildea</i>	<i>Whiteford, Taylor & Preston</i>
	<i>210 W. Penn. Ave.</i>
	<i>Towson, MD 21204</i>
<i>JENNIFER COLVARD</i>	<i>EXXON CO, USA</i>
	<i>6301 IVY LANE, SUITE 700</i>
	<i>GREENBELT, MD 20770</i>
<i>Kew Ayre</i>	<i>Tollgate Auto Services</i>
	<i>10540 Reisterstown Rd</i>
	<i>Owings Mills, MD 21117</i>
<i>Tim Whittle</i>	<i>FREDERICK WARD Assoc.</i>
	<i>5 South Main St</i>
	<i>Ba1 Av, MD 21014</i>

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on Recycled Paper



Petitioner's
Exhibit 2
Case 96-146-SP4XA





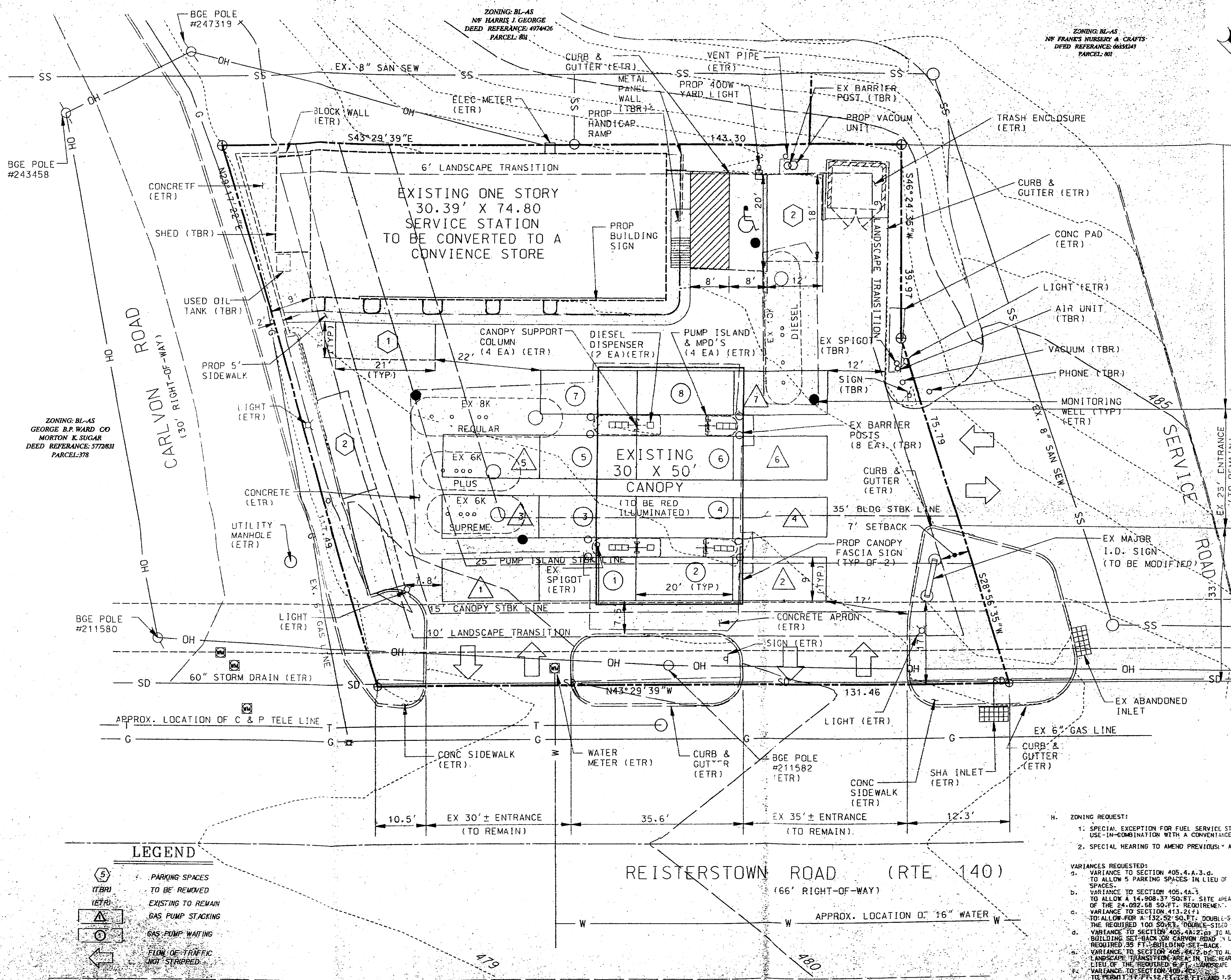
- SITE INFORMATION**
- NET SITE AREA: 14,908.37 SQ. FT. = 0.341 ACRES
 - OWNER: EXXON COMPANY, U.S.A.
 - DEED REFERENCE: 6363/841
 - ACCOUNT NO: 0403023802
 - ELECTION DISTRICT: 4
 - EXISTING USE: GAS STATION W/ SERVICE STATION
 - COUNCIL DISTRICT: 3
 - PROPOSED USE: GAS STATION W/ CONVENIENCE STORE
 - FLOOR AREA: 2273.17 SQ. FT.
 - FLOOR AREA RATIO: 0.15
 - EXISTING IMPERVIOUS AREA: 13,306 SQ. FT.
 - PROPOSED IMPERVIOUS AREA: 13,306 SQ. FT.

- ZONING NOTES**
- ZONING STATUS:**
 - EXISTING ZONING: BL-AS
 - PROPOSED ZONING: BL-AS
 - AREA REQUIREMENTS:**
 - MULTI-PURPOSE DISPENSER SERVING A TOTAL OF 8 CARS AT ONE TIME. SERVING SPACES REQUIRED: 8. SERVING SPACES PROVIDED: 8. SITE AREA REQUIRED: 15,000 SQ. FT.
 - ADDITIONAL USED CONVENIENCE STORE: 4 x 20' x 11' SQ. FT. = 892.68 SQ. FT.
 - TOTAL SITE AREA: PURSUANT TO 405.4A.1.11 REQUIRED: 15,000 SQ. FT. = 892.68 SQ. FT. = 24,092.68 SQ. FT. PROVIDED: 14,908.37 SQ. FT.
 - ACCESS POINTS:**
 - EXISTING:
 - ONE (1) 30' W/ ENTRANCE ONTO REISTERSTOWN ROAD
 - ONE (1) 25' W/ ENTRANCE ONTO REISTERSTOWN ROAD
 - ONE (1) 25' W/ ENTRANCE ONTO THE SERVICE ROAD
 - PARKING LOADING:**
 - REQUIRED:
 - ONE (1) SPACE PER EMPLOYEE ON LARGEST SHIFT = 1.2 = 2 SPACES
 - FIVE (5) SPACES PER 1,000 SPACES OF GROSS FLOOR AREA: 2273.17 SQ. FT. = 5,100 SPACES = 12
 - ONE (1) SPACE PER VACUUM UNIT = ONE (1) SPACE
 - TOTAL PARKING REQUIRED = 15 SPACES
 - PROVIDED:
 - 5 SPACES (INCLUDING ONE (1) HANDICAP SPACE)

- SITE ADDRESS:** EXXON STATION 10540 REISTERSTOWN ROAD OWINGS MILLS, MARYLAND 21117-0008
- SETBACKS:**
 - BUILDING:
 - TO RIGHT OF WAY: 35'
 - TO PROPERTY LINE: 0'
 - CANOPY:
 - TO RIGHT OF WAY: 15'
 - TO PROPERTY LINE: 0'
 - PUMP ISLAND:
 - TO RIGHT OF WAY: 25'
 - TO PROPERTY LINE: 0'
 - SIGN:
 - TO RIGHT OF WAY: 6'
 - TO PROPERTY LINE: 6'
- ZONING HISTORY:**
 - CASE NO. 3590X-ORDER DATED JULY 8, 1995. PETITION FOR RECLASSIFICATION AND FOR SPECIAL EXCEPTION GRANTED TO RECLASSIFY R6 ZONE TO BL ZONE, AND TO PERMIT A GASOLINE SERVICE STATION.

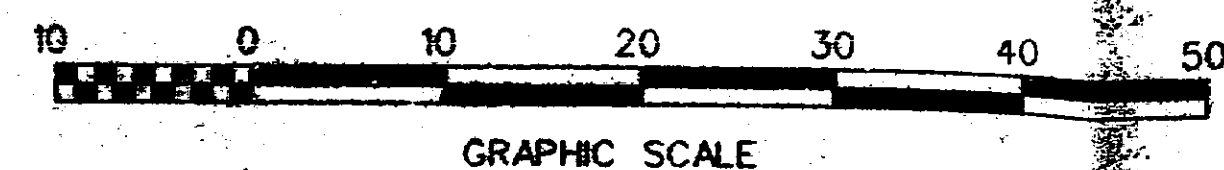
- VARIANCES REQUESTED:**
- VARIANCE TO SECTION 405.4A.1.1 TO ALLOW 5 PARKING SPACES IN LIEU OF THE REQUIRED 15 SPACES.
 - VARIANCE TO SECTION 405.4A.1 TO ALLOW A 14,908.37 SQ. FT. SITE AREA IN LIEU OF THE 24,092.68 SQ. FT. REQUIREMENT.
 - VARIANCE TO SECTION 413.2(f) TO ALLOW FOR A 152.52 SQ. FT. DOUBLE-SIDED SIGN IN LIEU OF THE REQUIRED 100 SQ. FT. DOUBLE-SIDED SIGN.
 - VARIANCE TO SECTION 405.4A.2(c) TO ALLOW A 4' FT. BUILDING SET-BACK ON CARLSON ROAD IN LIEU OF THE REQUIRED 35' FT. BUILDING SET-BACK.
 - VARIANCE TO SECTION 405.4A.2(d) TO ALLOW A 3' FT. LANDSCAPE TRANSITION AREA IN THE REAR YARD IN LIEU OF THE REQUIRED 6' FT. LANDSCAPE TRANSITION AREA.
 - VARIANCE TO SECTION 409.4(c) TO PERMIT 11' x 12' x 14' FT. AND 7.5' FT AISLE WIDTH IN LIEU OF THE REQUIRED 22' FT MINIMUM REQUIRED AISLE WIDTH.
- SPECIAL REQUEST:**
- SPECIAL EXCEPTION FOR FUEL SERVICE STATION, USE-IN-COMBINATION WITH A CONVENIENCE STORE.
 - SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED.

OWNER/DEVELOPER/APPLICANT		FREDERICK WARD ASSOCIATES INC.		DATE		REVISIONS		BY		CHK		EXXON COMPANY, U.S.A.		PROJECT NO.			
EXXON COMPANY, U.S.A. 6301 IVY LANE SUITE 700 GREENBELT, MARYLAND 20770 PHONE: 1(301)513-7511 ATTN: MS. JENNIFER COLVARD		ENGINEERS 5 SOUTH MAIN STREET (410) 838-7900		ARCHITECTS BEL. AR. MARYLAND (410) 879-2090								Marketing Department DATE: 09/11/95 DRAWN BY: CP/KM CHK. BY: MFD SCALE: 1" = 10'		SITE LAYOUT PLAN FOR AN EXXON STATION AT 10540 REISTERSTOWN ROAD OWINGS MILLS, MARYLAND 21117		PROJECT NO. 95086.00 DISC. NO. PSX515E.DGN RAS. NO. 2-5648 DWG. NO. 05 DE 95	



LEGEND

- (5) PARKING SPACES TO BE REMOVED
- (ETR) EXISTING TO REMAIN
- (A) GAS PUMP STACKING
- (O) GAS PUMP WAITING
- (←) FLOW OF TRAFFIC NOT STRIPPED



OWNER/DEVELOPER/APPLICANT
EXXON COMPANY, U.S.A.
 6301 IVY LANE
 SUITE 100
 GREENBELT, MARYLAND 20770
 PHONE: 1 (301) 513-7511
 ATTN: MS. JENNIFER COLVARD

FREDERICK
 ENGINEERS
 5 SOUTH MAIN STREET
 (410) 838-7900

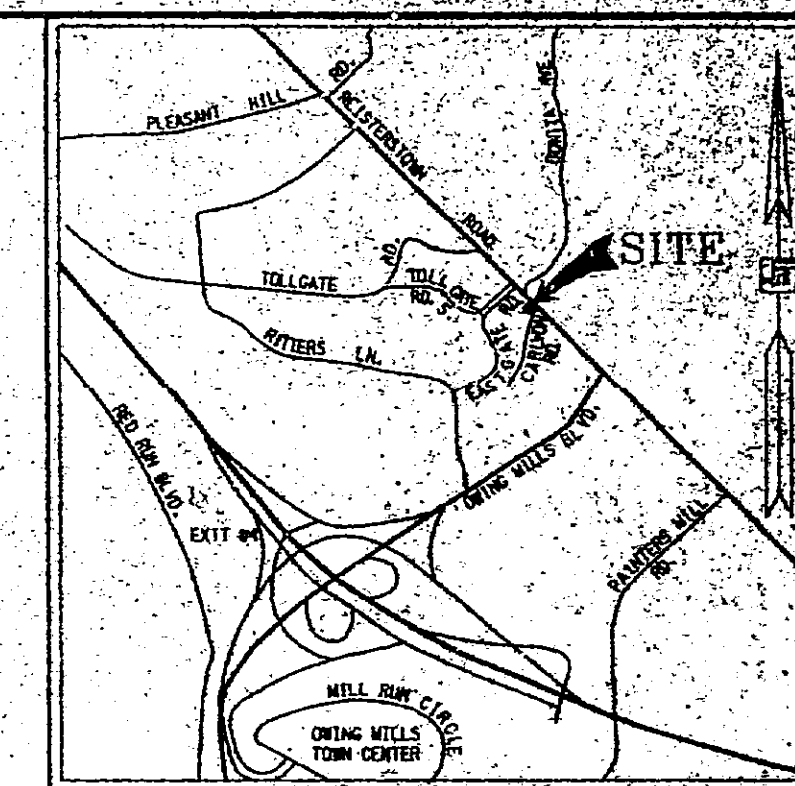
WARD ASSOCIATES INC.
 ARCHITECTS SURVEYORS
 BEL AIR, MARYLAND
 (410) 879-2090

DATE	REVISIONS	BY	CHK.	EXXON COMPANY, U.S.A.	PROJECT NO.
				1. 09/11/95	95086.00
				2. 09/11/95	0150.00
				3. 09/11/95	PS-0075.00
				4. 09/11/95	RAS. 00
				5. 09/11/95	0000.00
				6. 09/11/95	00.00
				7. 09/11/95	00.00
				8. 09/11/95	00.00
				9. 09/11/95	00.00
				10. 09/11/95	00.00
				11. 09/11/95	00.00
				12. 09/11/95	00.00

SPECIAL EXCEPTION AND VARIANCE PLAN

- H. ZONING REQUEST:
- SPECIAL EXCEPTION FOR FUEL SERVICE STATION, USE IN COMBINATION WITH A CONVENIENCE STORE.
 - SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED.

- VARIANCES REQUESTED:
- VARIANCE TO SECTION 405.4.A.3.G. TO ALLOW 5 PARKING SPACES IN LIEU OF THE REQUIRED 15 SPACES.
 - VARIANCE TO SECTION 405.4.A.3.G. TO ALLOW 14,908.37 SQ. FT. SITE AREA IN LIEU OF THE 24,092.68 SQ. FT. REQUIREMENT.
 - VARIANCE TO SECTION 413.2(1) TO ALLOW FOR A 132.52 SQ. FT. DOUBLE-SIDED SIGN IN LIEU OF THE REQUIRED 100 SQ. FT. DOUBLE-SIDED SIGN.
 - VARIANCE TO SECTION 405.4.A.2.D. TO ALLOW A 4 FT. BUILDING SET-BACK ON CARVON ROAD IN LIEU OF THE REQUIRED 35 FT. BUILDING SET-BACK.
 - VARIANCE TO SECTION 405.4.A.2.D. TO ALLOW A 10 FT. LANDSCAPE TRANSITION AREA IN THE REAR YARD IN LIEU OF THE REQUIRED 20 FT. LANDSCAPE TRANSITION AREA.
 - VARIANCE TO SECTION 405.4.A.2.D. TO PERMIT 17 FT. 12 IN. (14 FT. 0 IN.) AND 7.5 FT. AISLE WIDTH IN LIEU OF THE REQUIRED 18 FT. 0 IN. AND 10 FT. 0 IN. MINIMUM REQUIRED AISLE WIDTH.



VICINITY MAP
 SCALE: 1" = 2000'

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 - PROPOSED ZONING: BL-AS
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 SERVING SPACES PROVIDED: 8
 SITE AREA REQUIRED = 15,000 SQ. FT.
 - ANCILLARY USES
 CONVENIENCE STORE = 4' X 2273.17 SQ. FT. = 9092.68 SQ. FT.
 REQUIRED: 15,000 SQ. FT. = 9092.68 SQ. FT. = 24,092.68
 PROVIDED: 14,908.37 SQ. FT.
- C. ACCESS POINTS:
- EXISTING:
 - a. ONE (1) 30' +/- ENTRANCE ONTO REISTERSTOWN ROAD
 - b. ONE (1) 35' +/- ENTRANCE ONTO REISTERSTOWN ROAD
 - c. ONE (1) 25' +/- ENTRANCE ONTO THE SERVICE ROAD
- D. PARKING LOADING:
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 - b. TO PROPERTY LINE COMMERCIAL: 0'
 - CANOPY:
 - a. TO RIGHT OF WAY: 15'
 - b. TO PROPERTY LINE: 0'
 - PUMP ISLAND:
 - a. TO RIGHT OF WAY: 25'
 - b. TO PROPERTY LINE: 0'
 - SIGN:
 - a. TO RIGHT OF WAY: 6'
 - b. TO PROPERTY LINE: 6'
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AXH05-941-96